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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,005	03/25/2002	Hijin Sato	217204US2PCT	7138

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/018,005

Applicant(s)

SATO ET AL.

Examiner

Philip J Sobutka

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 59-116 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 59-75, 104-108 and 112-116 is/are allowed.  
6) ☒ Claim(s) 76-78, 84-86, 92-94, 100, 101 and 109 is/are rejected.  
7) ☒ Claim(s) 79-83, 87-91, 95-99, 102, 103, 110 and 111 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/9/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 76,77,78,84-86,92-94,100,101,109 are rejected under 35 U.S.C. 102(b) as being anticipated by Noneman (US 5,887,252).

Consider claim 109. Noneman teaches a radio base station which transmits multicast data to a radio terminal, comprising: distribution request receiving means receiving a distribution request for multicast data transmitted from the radio terminal (Noneman see especially fig 2, item 10, col 2, line 44 – col 3, line 2), and radio channel information transmitting means transmitting information of a radio channel used for distributing the multicast data in response to the distributing request for the multicast data given by the radio terminal (Noneman see especially col 4, lines 25-55).

As to claims 76, the system of Noneman would perform the claimed steps.

As to claim 77, 84-86, 92-94,100-101, note that Noneman teaches informing all terminals of the multicast information with the same method and the terminal receive the service using the radio channels in the information (Noneman see especially fig 2, col 2, lines 44-60).

As to claim 78, note that Noneman teaches that the request response includes multicast identifying information and corresponding channel information (Noneman see especially fig 3, col 5, line 1-40, col 6, lines 10-32).

***Allowable Subject Matter***

3. Claims 79-83,87-91,95-99,102,103,110,111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claims 79,87,95. Noneman fails to teach the multicast service providing method as claimed in claim 76, wherein: the information distributing apparatus transmits a continuation check signal for inquiring regarding continuation of the multicast information distribution service to all the radio terminals present in the service area; when receiving the continuation check signal from the information distributing apparatus, the radio terminal transmits a predetermined response signal to the information distributing apparatus for continuously receiving the multicast information distribution service; and when receiving the predetermined response signal after transmitting the continuation check signal, the information distributing apparatus continues distributing service of the multicast information.

Consider claim 102. Noneman fails to teach the multicast service providing system as claimed in claim 100 further comprising, response signal transmission control means transmitting when receiving a continuation check signal for inquiring a necessity of continuation of multicast information distribution service from the information

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distributing apparatus, a predetermined response signal for continuously receiving the multicast information distribution service.

Consider claims 110,111. Noneman fails to teach the multicast service providing system as claimed in claim 109 wherein: the distribution request receiving means receives the distribution request for multicast data transmitted from the radio terminal via another radio base station.

4. Claims 59-75, 104-108,112-116 are allowed.

Consider claims 59,68,71,74. Noneman fails to teach a multicast service providing system and method performing multicast information distribution service to a radio terminal via a radio section, wherein said radio terminal has service continuation requesting means transmitting to said information distributing apparatus a service continuation request signal for requesting continuation of multicast information distribution service; said information distributing apparatus has service continuation management means managing as to whether or not the above-mentioned request for service continuation from the radio terminal for the multicast information distribution service has been made; and said information distributing apparatus transmits to said radio terminal information managed by the service continuation management means has been made indicating whether or not the continuation request for the multicast information distribution service has been made.

Consider claim 104,112. Noneman fails to teach a multicast service providing method and system by which multicast data is distributed to radio terminals from a radio base station, wherein: the radio terminal which receives the multicast data transmits a

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distribution request for multicast data to a radio base station on movement destination in case a necessity arises such that the other party of communication be switched from a radio base station on movement origin to the radio base station on movement destination, the radio base station on movement destination transmits information of a radio channel used for distributing the multicast data to the radio terminal in response to the distribution request given therefrom, and the radio terminal switches the radio channel based on the information of the radio channel given by the radio base station on movement destination and receives the multicast data from the radio base station on movement destination.

### ***Response to Arguments***

5. Applicant's arguments filed March 1, 2005 have been fully considered but they are not persuasive.

Applicant argues that the claims distinguish over the prior art because the prior art teaches sending the multicast message only to specific terminals. However this is merely a matter of group definition. That is, since a multicast group can be defined as being all radios in an area, something that is clearly within the scope of Noneman's arrangement, then the claim cannot distinguish over Noneman.

As to Noneman's use of a long code mask, since the claims merely recite the transmission of data to terminals, it is not clear why Noneman's use of a mask to distribute the data would allow the claims to distinguish.

***Conclusion***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882.

9. The current fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

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After September 15, 2005, the old number will no longer be in service and **571-273-8300** will be the only facsimile number recognized for "centralized delivery".

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER